

ORDINANCE NO. CO- -2021

**AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL
AMENDING CHAPTER 89, ARTICLE 2, SECTION 89-21 “USE TABLE”,
ENACTING CHAPTER 89, ARTICLE 5, SECTION 89-77-1
“SHORT-TERM RENTAL”, AND AMENDING CHAPTER 89, ARTICLE 8,
SECTION 89-151-1 “GENERAL DEFINITIONS” OF THE LAFAYETTE
DEVELOPMENT CODE RELATED TO THE USE AND OPERATION OF
SHORT-TERM RENTALS IN THE CITY OF LAFAYETTE**

BE IT ORDAINED by the Lafayette City Council, that:

WHEREAS, on December 16, 2020, by Joint Ordinance JO-111-2020, the Lafayette City Council and the Lafayette Parish Council repealed and re-enacted Chapter 89 of the Lafayette City-Parish Code of Ordinances, the Lafayette Development Code (“LDC”); and

WHEREAS, in adopting the LDC, the Lafayette City Council and the Lafayette Parish Council declared that the LDC was necessary in furtherance of the health, safety and welfare of the citizens of the City of Lafayette and unincorporated Parish of Lafayette; and

WHEREAS, in recent years, technology and innovation have expanded the use and operation of Short-Term Rentals (defined herein) as a form of temporary lodging to allow visitors and tourists to stay in and experience a local community;

WHEREAS, the Lafayette City Council desires to amend the Lafayette Development Code to enact reasonable regulations associated with the rental or offering for rental, use, and operation of Short-Term Rentals in the City of Lafayette, the same being necessary to further the health, safety and welfare of the citizens of the City of Lafayette.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council, that:

SECTION 1: All of the aforescribed “Whereas” clauses are adopted as part of this Ordinance.

SECTION 2: Chapter 89, Article 2, Section 89-21-2 (“Use Table”) of the Lafayette Development Code is hereby amended in the following particulars, with words in ~~striketrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Table 89-21-2 Use Table

		"A" Agricultural	"RS" Residential Single-Family	"RM" Residential Mixed	"MN" Mixed-Use Neighborhood	"MX" Mixed-Use Center	"D" Downtown	"CM" Commercial Mixed	"CH" Commercial Heavy	"PI" Public/Institutional	"IL" Industrial Light	"IH" Industrial Heavy
Use Category												
Residential												
Residences:												
	Dwelling, single-family detached	P	P	P	P							
	Accessory apartment	P	P	P	P	P	P	C				
	Cottage Courts		C	P	P		C	P				
	Dwelling, two-family (duplex)		C	P	P			P				
	Multi-family			P	P	P	P	P	P			
	Live/Work Dwelling			P	P	P	P	P				
	Manufactured home											
	Manufactured Housing Land Lease Community	p	C	C								
	Apartment House			P	P	P	P	P				
	Apartment Hotel				P	P	P	P	P			
	Townhouse/ Row House		C	P	P	P	P	P				
Group Living:												
	Boarding House			P	P	P	P					
	Community living			P	P	P	P	P	P			
	Community home	P	P	P	P	P	P	P			P	
	Life care or continuing care services				P	P	P	P	P			
Lodging												
	Bed and breakfast		C	C	C	C	C	C				
	Hotel (small)				P	P	P	P	P		P	P
	Hotel / Motel					P	P	P	P		P	P
	Recreational vehicle park	C										
	Short-Term Rental <i>*See 89-77-1(b)</i>	P	P	P	P	P	P	P	P			

SECTION 3: Chapter 89, Article 2, Section 89-21(d) of the Lafayette Development Code is hereby amended in the following particulars, with words in ~~striketrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

...

Lodging	
Bed and breakfast	An owner- or operator- occupied house, or part of a house, that offers no more than 9 guest bedrooms for overnight paid occupancy of up to 30 consecutive nights, and where breakfast is provided to guests.
Hotel (small)	A Hotel that does not contain more than 50 guest rooms and does not exceed three stories height.
Hotel / Motel	A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests and transients and where only a general kitchen and dining room are provided within the building or in an accessory building.
Recreational vehicle park	Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the public. Examples include campgrounds and recreational vehicle / travel trailer parks. This use does not include a Manufactured Housing Land Lease Community.
Short-Term Rental	<u>The provision of a building, or a room or unit within a building, that contains no more than 5 total guest rooms, and that is suitable and utilized solely for temporary residential occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for compensation.</u>

SECTION 4: Chapter 89, Article 5, Section 89-77-1 (“Short-Term Rental”) of the Lafayette Development Code is hereby enacted in the following particulars:

89-77-1 Short-Term Rental
<-> Use Category (§ 89 - 21 Use Table): Lodging - *Short-Term Rental*
(a) Territorial and Retroactive Applicability. This Section applies to all Short-Term Rentals located in the City of Lafayette regardless of whether such Short-Term Rental

existed prior to or subsequent to the adoption of this Section.

- (b) **Limited Operation in Zoning Districts.** Unless qualifying as a Nonconformity under §89-96, et. seq., the operation of a Short-Term Rental in a zoning district is restricted to the operation in "Residences" listed under the use category of "Residential", and "Bed and Breakfast" listed under the use category of "Lodging", in Table 89-21-2 that are permitted "by right" ("P") and/or by a valid Conditional Use Permit ("C"), in that zoning district.

- (c) **Certificate of Occupancy for Short-Term Rental Required; Procedure.**

1. *Generally.* Any person or entity operating a Short-Term Rental in the City of Lafayette pursuant to this Section shall apply for and obtain a Certificate of Occupancy from the City of Lafayette for the premises sought to be operated as a Short-Term Rental. Certificates of Occupancy for Short-Term Rentals shall be issued on a three (3) year cycle, with the first cycle ending on February 28, 2025 (second cycle begins March 1, 2025 and ends on February 29, 2028, etc.).
2. *Application; Renewal.* The application for a Certificate of Occupancy for Short-Term Rental shall be made in accordance with Chapter 89, Article 4, Section 89-65 "Certificate of Occupancy" and shall include, in addition to other information that may be required, the following information:
 - i. Street address of the Premises sought to be offered as a Short-Term Rental;
 - ii. Number of "off-street" parking spaces available at/on the Premises;
 - iii. Maximum Number of Rooms available for Short Term Rental at any given time;
 - iv. Maximum Number of Guests per Room at any given time;
 - v. Proof that the applicant has a current registered account with the Lafayette Parish School System for remittance of all applicable taxes; and
 - vi. Confirmation that the applicant has not failed to:
 - a) Comply with any Federal, State and/or local laws/ordinances applicable to the operation of a Short-Term rental in the City of Lafayette; and
 - b) Comply with a contract or service agreement with any department and/or division within the Lafayette City-Parish Consolidated Government; and
 - c) Pay any outstanding fees, fines, assessments, charges, penalties, taxes, levies or any other outstanding amounts whatsoever owed to any department and/or division within Lafayette City-Parish Consolidated Government.

Within thirty (30) days prior to the expiration of an existing Certificate of Occupancy, the applicant shall apply for a new Certificate of Occupancy in the same manner as provided for in this Section.

3. *Display of Certificate of Occupancy.* A Certificate of Occupancy issued pursuant to this Section shall at all times be prominently displayed and clearly visible from the exterior of the premises by persons in a public space or right of way.

- (d) **Adherence to Existing Laws Required.** The operation of a Short-Term Rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere or adversely affect another's use and enjoyment of property. To that end, any and all persons and entities who own and/or operate, and all persons who occupy a Short-Term Rental, shall, in addition to the requirements contained herein, abide by all existing state and local laws and ordinances, including but not limited to LCG Code of Ordinances - Chapter 34, Article II "Nuisances", LCG Code of Ordinances - Chapter 34, Article IV "Noise Control", LCG Code of Ordinances - Chapter 74, Article III "Solid Waste", LCG Code of Ordinances - Chapter 86, Article IX "Stopping,

- Standing, and Parking Regulations”, said Chapters being incorporated herein by reference hereto.
- (e) **Minimum Stay.** No Short-Term Rental shall be rented or offered for rent for less than a one (1) night minimum stay.
 - (f) **Events.** Receptions or private parties for a fee on the premises of a Short-Term Rental are not allowed in “RS” and “RM” zoning districts.
 - (g) **Violations.** It shall be a Violation of this Section for any person or entity to operate a Short-Term Rental which fails to comply with all existing state and local laws and ordinances, including but not limited to the requirements of this Chapter and the Lafayette City-Parish Code of Ordinances.

SECTION 5: Chapter 89, Article 8, Section 89-151-1 (“General Definitions”) of the Lafayette Development Code is hereby amended in the following particulars, with words in ~~striketrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Table 89-151-1 General Definitions

Shopping Center	See Integrated Business Center in Article 5 “Signs”. (⇔ § 89-90 (a) (2)).
<u>Short-Term Rental</u>	<u>The provision of a building, or a room or unit within a building, that contains no more than 5 total guest rooms, and that is suitable and utilized solely for temporary residential occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for compensation. (⇔ § 89-77-1) (⇔ § 89-21-2 “Use Table”) (⇔ § 89-21(d))</u>
Shrub	A low, usually multi-stemmed, self-supporting, woody plant species

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SECTION 6: The regulations associated with the operation of Short-Term Rentals in the City of Lafayette as established herein shall be retroactively applied. Any person or entity currently operating a Short-Term Rental shall, on or before March 1, 2022, apply for a Certificate of Occupancy in accordance with Section 4 herein. The issuance of a Certificate of Occupancy authorizing the operation of a Short-Term Rental shall be subject to all regulations and requirements of the LDC and the Lafayette City-Parish Code of Ordinances.

SECTION 7: All other LDC provisions and regulations not specifically amended herein shall remain and be in full force and effect.

SECTION 8: All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 9: This Ordinance shall become effective immediately upon the signature by the Lafayette Mayor-President, a lapse of ten (10) days of receipt by the Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.